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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY
DEPUTY

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON STATE

MYRIAM ZAYAS

PLAINTIFF,

vs.

LINDA NGUYEN,
TARA SHOEMAKER,
BREN SMITH,
RAMONA HARKINS,

DEFENDANTS,

case 21-CV-0746 JLR

Injunctive Relief- 42 U.S. Code § 1983 Deprivation of rights under the color of law- 42 U.S. Code § 1985 Conspiracy against rights- 42 U.S. Code § 1986 Action for neglect to prevent- First Amendment Right to Familial Association- Intimate Association Retaliation Claim- Fourteenth Amendment Equal Protection Clause- Fourth Amendment Illegal Search & Seizure- Interference with Parent Child Relationship - Intentional Infliction of Emotional Distress- Official Misconduct- Child Abuse- Filing Forgery to the Official Court Docket

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over federal civil rights claims, under 28 U.S.C. § 1343. This Court has supplemental jurisdiction over state-law claims arising from the same factual circumstances, events, and transactions, under 28 U.S.C. § 1367(a). 42 U.S. Code § 1983. This court has jurisdiction under 28 U.S.C. §1331,§ 1349, and § 1332.
2. Venue is proper in this Court under 28 U.S.C. § 1391(b) because the Defendant's employer King County Government principal place of business is in Kent, Washington. Seattle Western District Court is the proper venue for this case. The Defendants upon further information and belief also reside in King County.
3. The Plaintiff has filed a tort with the states attorney general. The Plaintiff is not asking for money damages.
4. No trial needed; job loss required immediately. All discovery included.

****FINAL AMEND 06.24.21 TO FIX LINKS RENUMBER AND BOUGHT INK*****

II. PARTIES

5. Myriam Zayas an individual (hereinafter "Plaintiff") is a resident of the State of Washington and the County of King. She is the mother of 3 adults 21,19,18, and one adopted 1 year old, and one 6-year-old.
6. Defendant Tara Shoemaker an individual (hereinafter "clerk" "state official" "Tara"), at all times relevant hereto was the Plaintiffs court clerk employed by the Maleng Regional Justice Center in Kent, Washington. Upon further information and belief, she resides in King County Washington. She is sued for injunctive relief in her individual capacity within the meaning of 42 U.S.C. Section 1983, and at all times relevant hereto acted under color of state law.
7. Defendant Linda Nguyen an individual (hereinafter "bailiff" "state official" "judge Messitts bailiff"), at all times relevant hereto is the bailiff for the Plaintiffs former judge Messitt in her current open state dependency case. She is employed by the Maleng Regional Justice Center in Kent, Washington. Upon further information and belief, she resides in King County Washington. She is sued for injunctive relief in her individual capacity within the meaning of 42 U.S.C. Section 1983, and at all times relevant hereto acted under color of state law.
8. Defendant Bren Smith an individual (hereinafter "bailiff" "state official" "judge Ramseyer's bailiff"), at all times relevant hereto is the bailiff for the Plaintiffs judge in her current open state dependency case. She is employed by the Maleng Regional Justice Center in Kent, Washington. Upon further information and belief, she resides in King County Washington. She is sued for injunctive relief in her individual capacity within the meaning of 42 U.S.C. Section 1983, and at all times relevant hereto acted under color of state law.
9. Defendant Ramona Harkins an individual (hereinafter "clerk" "state official" "Ramona"), at all times relevant hereto was the Plaintiffs court clerk employed by the Maleng Regional Justice Center in Kent, Washington. Upon further information and belief, she resides in King County Washington. She is sued for injunctive relief in her individual capacity within the meaning of 42 U.S.C. Section 1983, and at all times relevant hereto acted under color of state law.

III. INTRODUCTION

The Plaintiff is bringing this claim for injunctive relief, job loss is a must and the crimes committed by the Defendants can not be ignored, Official Misconduct under RCW means the official commits an unauthorized act in their official position. Filing unsigned, unagreed, and forged court orders to the official docket, when they know these orders are invalid, fraudulent, and unlawful can be considered far more than unauthorized acts. Participating in fake hearings that are not recorded at the time of the hearing, pretending, and tricking the public they serve, into thinking they are actually in court. When in fact no hearing exists on the docket at all. Then later creating fake audio, trying to cover their crimes. There are likely tons of forged court orders on the official docket at the Regional Justice Center in Kent, Washington. The Defendants have filed these as true and correct. Especially beginning in March 2020 when the record was inaccessible due to COVID, the Defendants continued holding hearings that were not mission critical, going against emergency order 6[1]. If its just a piece of paper and its no big deal, these officials think what they are doing is not a felony, then how come the Plaintiffs child is still in a foster home? Howcome they are all so scared of their crimes that they think retaliating against a 5-year-old will help? Why aren't all of these people in jail for their crimes? The Defendants thoughts that the Plaintiff is suing for her kid back are expired, the last person the public needs working with real child predators is a corrupt state official. These people do not hand out parking tickets, no they are assigned to protect children, when they are found to be instead abusing children by traumatizing them for no reason, this should be of high public concern. Links connect directly to document mentioned above them. Related case: 20-cv-00747 JCC. Zayas vs. Messitt. This court was made for the Plaintiff and it is her 1st amendment right to hold all state officials accountable for their crimes, and redress her government. If she states facts, and relevant law, no matter how many times she must sue.

[1] https://1drv.ms/b/s!AmhsgRs52qWXqUAWeJvhTVTZ8Vx_

IV. FACTS

NOW COMES the Plaintiff, MYRIAM ZAYAS by and through herself and for her complaint under Section 1983, for the counts described below, including a procedural and substantive due process violation against the Plaintiff by the Defendant and those they acquiesced, instructed, directed, accepted direction from, trained, retaliated with, plotted and conspired with in committing the unauthorized, unconstitutional, and unlawful acts and omissions described in this complaint, Plaintiff alleges the following facts:

10. The Plaintiff is requesting that one other Defendant by the name of Ramona Harkins be added, upon further information and belief she is the clerk who filed the unsigned, unagreed dependency order on August 25th, 2020, citing no "Basis" under 1.3 of the order, and repeatedly referring by name to a father who has been ruled out as a father in 2014.
    https://1drv.ms/b/s!AmhsgRs52qWXqXi0qAjOOnJPooNi?e=HTPJMK
11. Judge Messitt wanted so bad to make sure the Plaintiff suffered, she had to force this dependency order as "default to unknown father" which is unlawful. The judge and CPS need this order filed to the official docket or they can't even have the Plaintiffs child, not only did they not send this to the Plaintiff, but she did also not know it existed until yesterday. The Plaintiff did hear about this order but was never provided a copy by Judge Messitt or her clerk Linda Nguyen, this of course was intentional. Just like the never provided the Plaintiff with the forged SCHO.
12. Judge Messitt, and none of the Defendants have informed the default fathers of their rights to visitation as stated in this order or anything. They even named the father that was confirmed not to be her father, and said he too has a right to visitation with the Plaintiffs child. He has no clue this document exists.
13. Judge Messitt did also sign and force this unlawful court order after she had been sued for 14th amendment violation and forgery by the Plaintiff a few months prior. June 2020. 20-cv-00747 JCC Zayas vs. Messitt
14. The Plaintiff has not ever signed a single thing for King County Government to still have her child in their foster home this is actually a crime.
15. CPS and the judge have to default to unknown father; this is against the law because how do they know what "unknown father" wants? How do they know the Plaintiff was not raped and by calling all unknown puts her and her childs life in

danger? How do they know the Plaintiff is not the virgin Mary and there just is NO FATHER. No person is required by law to have a father.

16. The Plaintiff is asking this court to create a remedy for her that will eliminate any future "default to father" fraudulent, unlawful, unsigned, unagreed court orders forcing her child out of her life. Her child is only 6 and these crooked corrupt officials could comeback in a few years and say the "Unknown Father" wants custody. Unknown has no "authority."
17. The Plaintiffs 5-year-old child who is now 7 was removed from the Plaintiffs care for a dirty UA March 16th, 2020, in the removal process 15 state officials committed the crime of forgery, no oath or affirmation was given either, and they violated emergency order #6, the Plaintiff caught them.
18. Tara Shoemaker and Linda Nguyen violated Emergency Order 6, RCW 43.06.220[2]. By filing court orders that were forged and missing the required signatures during the pandemic. During the month of March and April 2020, this emergency order was put in place to make sure that state officials did not violate the rights of parents, yet the Defendants all of them ignored this emergency order. https://1drv.ms/b/s!AmhsgRs52qWXqUYZQsEHC-y7bGP3?e=wmbdU8
19. On or about March 16th, 2020, Tara Shoemaker did file the removal order for the Plaintiffs child. This removal order was missing the required "FILED" stamp of the courts on each top page, the order also was missing the required AAG approval signature. The judges signature was not a hash, so there must have been oath or affirmation given another way, yet no proof can be found on the official docket in the case of the Plaintiffs child. (20-7-00666-0 KNT) Top pages should have a FILED stamp from RJC. Page 17 is missing the supervisor and AAG approval signature. Redacted in white to include relevant top pages only: https://1drv.ms/b/s!AmhsgRs52qWXqWv68HlFreZdzhKm?e=SEESx4
20. Tara Shoemaker filed the unsigned and forged SCHO and the Healthcare Authorization form on the 18th of March 2020. This order did not contain any

[2] State of emergency—Powers of governor pursuant to proclamation. (5) Any person willfully violating any provision of an order issued by the governor under this Section is guilty of a gross misdemeanor

signatures at all except for one, that signature was the forged signature of Ann Danieli. See number 16.

21. On or about August 8th, 2020, Tara Shoemaker together with Linda Nguyen created a document named "Minutes." This was 5 months after the Plaintiffs child was removed:
https://1drv.ms/b/s!AmhsgRs52qWXqWTjUu2XIaQUGYFB?e=kHe4LE
22. Linda Nguyen filed all of the Plaintiffs emails to the official docket in her attempt to make the Plaintiff look crazy, but if Messitt was not the judge at the hearing then why would it matter what she said to Messitt?
https://1drv.ms/b/s!AmhsgRs52qWXoDNl_SKZCl4LCswI
https://1drv.ms/b/s!AmhsgRs52qWXnVXonmi2C1zD9Zsy
23. Tara Shoemaker has a rule that she requires all court officials to follow and does not follow this rule herself in the Plaintiff's case. If she did follow this rule with all court officials then the Plaintiffs child may not have been withheld to date lacking valid warrants, of course another clerk would have filed it anyway, proving a corrupt practice of following custom policy on the part of King County.
https://1drv.ms/u/s!AmhsgRs52qWXqWUijqCcJYzWi2M_
24. The Defendants, each of them, did not at any point report this crime of forgery to the authorities, nor did they attempt to remove themselves from the equation, likely relying on their immunity to save them from all intentional acts they committed. Under LGR 30[3] the court rules state that parties are not permitted to filing unsigned orders. SCHO[4] Page 10 of 11. By relying on this immunity, the Defendants are said to be abusing their authority and acting under the color of state law.
https://1drv.ms/b/s!AmhsgRs52qWXqWwXYozv1oF_VQ3P?e=VSXCWj
25. All dependency orders that are filed on the official docket are normally agreed orders of dependency. Bren Smith continues to file and uphold dependency orders in the Plaintiffs case that the Plaintiff has never agreed to and never signed anything they presented.

[3] https://kingcounty.gov/courts/clerk/rules/LGR_30.aspx
[4] Shelter Care Hearing Order

> ***RCW 13.34.110*** *(3)(a) The parent, guardian, or legal custodian of the child may waive his or her right to a fact-finding hearing by stipulating or agreeing to the entry of an order of dependency establishing that the child is dependent within the meaning of RCW **13.34.030**. The parent, guardian, or legal custodian may also stipulate or agree to an order of disposition pursuant to RCW **13.34.130** at the same time. Any stipulated or agreed order of dependency or disposition must be signed by the parent, guardian, or legal custodian and his or her attorney, unless the parent, guardian, or legal custodian has waived his or her right to an attorney in open court, and by the petitioner and the attorney guardian ad litem, or court-appointed special advocate for the child, if any. If the department is not the petitioner and is required by the order to supervise the placement of the child or provide services to any party, the department must also agree to and sign the order.*
>
> https://1drv.ms/b/s!AmhsgRs52qWXqWIgynFcH3pKXT3Q?e=aHVLMS

26. In most recent dependency order from May 2021, the AAG removed the Plaintiffs signature line when she complained about them filing unsigned orders. The Defendants see all of this, they see the forgery, the missing hearings and still agree to assist their boss in continuing their felonies. The Plaintiff never agreed to complete services she already completed last year, never signed any order at all making their continued possession of her child illegal.

    https://1drv.ms/b/s!AmhsgRs52qWXqWjmZoOutJrWUR30?e=8Z3ShO

27. Bren Smith is also very aware that the Plaintiff has no attorney and the judge Bren works for refuses to assign her one. The Plaintiff continues to file motions but is doing them incorrectly and Bren always reminds the Plaintiff of the court rules when filing motions yet refuses to follow these rules herself as a bailiff. The Plaintiff has a right to an attorney and this judge will not assign her one, the Plaintiff has contacted the free legal help and they refuse to help. Bren Smith and her boss are aware of these facts and continue to chastise and ignore the Plaintiff. This is because they both hope the Plaintiff submits to their demands of completing "services." If the Plaintiff does then their friend the judge who committed forgery will likely get away with it by saying the Plaintiff needed their intervention, when in fact their intervention is criminal, its kidnapping, and unwarranted governmental intrusion into the Plaintiffs life.

28. The Defendants, each of them, did commit a number of unauthorized acts in their official position and therefore have committed the crime of Official Misconduct RCW 9A.80.010[5] along with forgery RCW 9A.60.020[6] and many others. Their crimes further the Plaintiffs removal of her child and severed the bond she once had with her 5 now 7-year-old child. This means they have violated the Plaintiffs civil rights and intentionally to try and cover for their employer/boss Judge Messitt.
29. The Plaintiff is reduced to only seeing her child for 4 hours per week and barely that since the social workers who are being sued are actively retaliating and commonly cancel 2 weeks of court ordered visitation each month for reasons that they can never confirm.
30. On or about 06.09.20, Linda Nguyen sent an email to all attorneys on the docket that morning stating that they should not call in yet because they were taking default testimony for the Shelter Care Hearing. From being her own attorney, the Plaintiff knows that attorneys are not normally barred from being present when other parties hearings are happening. Unless of course it's a hearing that requires special attention, upon further information and belief on this day Linda Nguyen and Tara Shoemaker participated in the making of the fake audio, which was added months later, containing Ann Danieli and not Judge Messitt as the judge for the Plaintiffs SCH. In their effort to cover the crime of forgery committed by Judge Messitt, and the social worker.

    https://1drv.ms/b/s!AmhsgRs52qWXqTVGsPGN35BxlSUl

    Link to FTR files from fake hearing:

    https://1drv.ms/u/s!AmhsgRs52qWXoBrvHRGM2MB4suai?e=6fNbeg

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[5] Official misconduct.(1) A public servant is guilty of official misconduct if, with intent to obtain a benefit or to deprive another person of a lawful right or privilege:(a) He or she intentionally commits an unauthorized act under color of law; or(b) He or she intentionally refrains from performing a duty imposed upon him or her by law.(2) Official misconduct is a gross misdemeanor.

[6] Forgery.(1) A person is guilty of forgery if, with intent to injure or defraud:(a) He or she falsely makes, completes, or alters a written instrument or;(b) He or she possesses, utters, offers, disposes of, or puts off as true a written instrument which he or she knows to be forged.(2) In a proceeding under this section that is related to an identity theft under RCW 9.35.020, the crime will be considered to have been committed in any locality where the person whose means of identification or financial information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in that locality.(3) Forgery is a class C felony.

31. The following document shows the similarities between the social workers handwriting and the forged signature of Danieli:
https://1drv.ms/b/s!AmhsgRs52qWXqWZ57Nw2ZC_l8ZBn
32. The Defendants, each of them see the docket in the Plaintiffs case and know that no hearing exists on the docket within 72 hours as required by law:

WAC 110-30-0120 (3) Whenever CPS assumes custody of a child from law enforcement, and places the child in out of home care, a court hearing must be held within seventy-two hours from the time the child is taken into protective custody, excluding Saturdays, Sundays and holidays.

33. Page 5 of 7 in the docket list linked below, shows that Tara Shoemaker added the "Minutes" for the SCH 5 months later in August 2020. This can only mean the SCH never happened within 72 hours.
https://1drv.ms/b/s!AmhsgRs52qWXnV3e6U8FpH1PPfXl
34. The African American social workers in the Plaintiffs case hate the Plaintiff for having black children, and have been harassing her for years lying all the time in every single document they create. This document states the reason for removal which is a lie because the Plaintiff was clean on the 16th of March 2020. They were made aware of this clean drug screen and still took her child.
https://1drv.ms/b/s!AmhsgRs52qWXqT46EAkOJm9QJwjJ
Same story in 2014 all lies:
https://1drv.ms/b/s!AmhsgRs52qWXqWozWZi-iKLStGHV?e=Vl4ijb
35. The Defendants, each of them and their felonious boss, the Superior court judges that commit forgery, do not believe the Plaintiff. Even after she shows them documented proof the social workers favor by race.
36. Tara Shoemaker committed these unlawful acts with evil intent. She was deliberately indifferent to the federally protected rights of the Plaintiff and her child. Tara Shoemaker being a reasonable state official, reasonably should have known that committing the crime of forgery to keep the Plaintiffs child away from her violates her first and fourteenth amendment rights to familial association, her actions have caused, and will continue to cause great emotional distress to the Plaintiff and her child.

37. Ramona Harkins committed these unlawful acts with evil intent. She was deliberately indifferent to the federally protected rights of the Plaintiff and her child. Ramona Harkins being a reasonable state official, reasonably should have known that committing the crime of forgery to keep the Plaintiffs child away from her violates her first and fourteenth amendment rights to familial association, her actions have caused, and will continue to cause great emotional distress to the Plaintiff and her child.
38. Linda Nguyen committed these unlawful acts with evil intent. She was deliberately indifferent to the federally protected rights of the Plaintiff and her child. Linda Nguyen being a reasonable state official, reasonably should have known that committing the crime of forgery to keep the Plaintiffs child away from her violates her first and fourteenth amendment rights to familial association, her actions have caused, and will continue to cause great emotional distress to the Plaintiff and her child.
39. Bren Smith committed these unlawful acts with evil intent. She was deliberately indifferent to the federally protected rights of the Plaintiff and her child. Bren Smith being a reasonable state official, reasonably should have known that committing the crime of forgery to keep the Plaintiffs child away from her violates her first and fourteenth amendment rights to familial association, her actions have caused, and will continue to cause great emotional distress to the Plaintiff and her child.
40. After the Plaintiff proved the teacher committed perjury during the Plaintiffs trial, Bren Smith continued without making remedial efforts to address the problem. Refused to even acknowledge the obvious felony committed. It is not the Defendants job to stop felonies in progress but it is their job not to actively participate in them and assist in their furtherance. In doing so they have neglected to prevent the Plaintiffs rights from being violated.
41. This complaint was amended on 06.15.2021 the Plaintiff is adding the following information: The Defendants, including their "attorney generals" and likely King County government, are actively altering the official docket and they have since

the Plaintiff first alleged the hearing was missing, added the "Minutes" for the SCH to the docket on the correct date. The problem they run into now is that the document number is #259 when it should be #9 or #10 if the document were in fact added on the 17th of March 2020 it would have fallen in order. The Plaintiff does not doubt the crooked state officials will find a way make everything look like she is the one who flew over the cuckoo's nest.

https://1drv.ms/u/s!AmhsgRs52qWXqXcvxI1sJUHXHeb8?e=wYlu6e

42. The Defendants do not have to be the ones who removed her child, or the ones who committed the forgery. They knowingly assisted and still are assisting the state officials that did commit these crimes and were a prime reason for the crimes furtherance. *Without the Defendants actions and omissions being committed in their official position, none of the orders would have authority.*

V. FIRST CLAIM FOR RELIEF- INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS – 42 U.S.C. § 1983

43. Plaintiff re-alleges and re-pleads all of the allegations in paragraphs 1–42 of this Complaint and incorporate them by reference.
44. The Defendants perform the public functions of serving as court officials, and serving children who are dependents of the courts of the State of Washington.
45. The Defendants perform these public functions using federal, state, and county funds, also from federal grants. The social workers are also employed by the US government.
46. All of the Defendants each of them by committing crimes in order to violate the Plaintiffs rights they lose the immunity granted in them through the state's authority. The Defendants committed a misuse of power, possessed by virtue of state law, and made possible only because the wrongdoer was clothed in the authority of state law The Defendants knew, or reasonably should have known that their actions would cause emotional distress to the Plaintiff and her children, at all times relevant to this complaint and to the adjoining complaints referred to in this complaint filed by the Plaintiff.

47. The Plaintiff and her child have suffered from emotional distress and will continue to in the foreseeable future. This suffering was a direct and proximate result of the Defendants actions in concert with the state officials each of them, continued and ongoing conspiracy to deprive the Plaintiff and her child of their federally protected rights. The Defendants have themselves committed crimes in conjunction with, and/or assisted the state officials in violating the Plaintiffs first, fourth and fourteenth amendment rights, her right to due process and equal protection under the law.
48. By not making remedial efforts at any time the Defendants are acting and conspiring with other state officials and are said to be acting under color state law making this a valid Section 1983 claim. The Plaintiffs rights have been clearly established since the constitution was written in 1791.

VI. SECOND CLAIM FOR RELIEF- FIRST AMENDMENT RIGHT TO FAMILIAL ASSOCIATION[7] INTIMATE ASSOCIATION RETALIATION CLAIM- 42 U.S.C. § 1983

49. Plaintiff re-alleges and re-pleads all of the allegations in paragraphs 1–48 of this Complaint and incorporate them by reference.
50. The Defendants perform the public functions of serving as court officials, and serving children who are dependents of the courts of the State of Washington.
51. The Defendants perform these public functions using federal, state, and county funds, also from federal grants.
52. Where government action substantially interferes with fundamental rights, such as the right to family relationships, it is subject to strict scrutiny, which means that the government must have a compelling reason for its action and its means to achieve its goal must be as narrowly tailored as possible.[8]

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[7] Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

[8] Behm v. LUZERNE CTY CHILDREN & YOUTH POLICY MAKERS, 172 F. Supp. 2d 575 - Dist. Court, MD Pennsylvania 2001

53. The Plaintiff has a cause of action for violation of her constitutional federally protected rights to familial association under the first and fourteenth amendments. The Plaintiff was restrained in her liberty and property interest.
54. The First Amendment prohibits the Defendants from intruding into a familial relationship as retaliation for one family member's exercise of free speech rights. The relationship at issue is very close, it is the one between the Plaintiff and her 5-year-old child. Because of the following actions taken by the Plaintiff the Defendants continue to severe the bond between her and her child in punishment for opening her mouth.
55. (1) The Plaintiff engaged in protected speech, (2) the Defendant's retaliatory conduct adversely affected that speech and (3) a causal link exists between the conduct and the adverse effect.
56. The Plaintiff has a cause of action for violation of her constitutional federally protected rights to intimate association and against retaliation from state actors under the Civil Rights Act, 42 U.S.C. § 1983. The Plaintiff was restrained in her liberty and property interest by the Defendants actions.

VII. THIRD CLAIM FOR RELIEF- FOURTH AMENDMENT RIGHTS ILLEGAL SEARCH & SEIZURE[9] 42 U.S.C. § 1983

57. Plaintiff re-alleges and re-pleads all of the allegations in paragraphs 1–56 of this Complaint and incorporate them by reference.
58. The Defendants perform the public functions of serving as court officials, and serving children who are dependents of the courts of the State of Washington.
59. The Defendants perform these public functions using federal, state, and county funds, also from federal grants.
60. The Plaintiff does not feel secure in her property when high court officials commit felonies to keep her child away from her. The Defendants engaged in a widespread unwritten custom/ policy with Child Protective Services of removing

[9] The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

children lacking probable cause, using felony forgery , and during emergency order 6 which required only "mission critical" removals.

61. The Plaintiff has a cause of action for violation of her constitutional federally protected rights to remain free from the illegal seizure of her property, and lacking oath, affirmation, and the proper due process according to the Civil Rights Act, 42 U.S.C. § 1983. The Plaintiff was restrained in her liberty and property by the Defendants actions, each of them.

VIII. FOURTH CLAIM FOR RELIEF
FOURTEENTH AMENDMENT EQUAL PROTECTION – 42 U.S.C. § 1983[10]

62. Plaintiff re-alleges and re-pleads all of the allegations in paragraphs 1–61 of this Complaint and incorporate them by reference.
63. The Defendants perform the public functions of serving as court officials, and serving children who are dependents of the courts of the State of Washington.
64. The Defendants perform these public functions receiving federal, state, and county funds, also from federal grants.
65. The Defendants are closely integrated and entwined with the state and county government system that places children with foster and adoptive parents, and that provides placement, care and services to children who are dependents of the juvenile court.
66. The Defendants discriminated against Plaintiff by denying her and her child fair and equal treatment in the actions they performed, as well as assisting the social workers in carrying out their duties. Their actions were deliberate and intentional. The Defendants are granted the authority of state law and they delivered different pains and punishments to the Plaintiff and her child that were unfair and unequal[11].

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[10] No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

[11] The familial right of association is based on the "concept of liberty in the Fourteenth Amendment." see Kraft v. Jacka, 872 F. The Fourteenth Amendment protects United States citizens against violation of fundamental rights by

67. By treating the Plaintiff differently than other parents and also serving different pains and punishments on account of the Plaintiff being a witness, and victim of a crime they committed, Tara Shoemaker and all the Defendants are violating the Plaintiff and her children's fourteenth amendment rights to be treated equally under the law. The Defendants each of them are granted the authority of state law and this provides them immunity.
68. The Defendants are not permitted to discriminating against the Plaintiff for any reason when granted this authority by the state. By assisting the social workers in their discriminatory acts and completely ignoring the evidence and proof provided by the Plaintiff they are just as guilty of discrimination. Because the Plaintiff was a witness to their crime she gets treated differently and her child has to suffer because of what her mother knows.
69. The Plaintiff has a cause of action for violation of her constitutional federally protected rights to equal protection under the Equal Protection Clause, and Civil Rights Act, 42 U.S.C. § 1983. The Plaintiff was restrained in her liberty and property by the Defendants actions, each of them.

IX. FIFTH CLAIM FOR RELIEF - TITLE 18, U.S.C., SECTION 242 - DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.[12]

70. Plaintiff re-alleges and re-pleads all of the allegations in paragraphs 1–69 of this Complaint and incorporate them by reference.
71. The Defendants perform the public functions of serving as court officials, and serving children who are dependents of the courts of the State of Washington.
72. The Defendants performs these public functions using federal, state, and county funds, also from federal grants.
73. Section 242 acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the

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state actors. Fundamental rights are liberty interests deeply rooted in the nation's history and tradition, and implicit in the concept of ordered liberty and the rule of law.

[12] This statute makes it a crime for any person acting under color of law, statute, ordinance, regulation, or custom to willfully deprive or cause to be deprived from any person those rights, privileges, or immunities secured or protected by the Constitution and laws of the U.S.

bounds of the Defendant's lawful authority if the acts are done while the Defendant is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prisons guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status, or national origin of the victim.[13]

74. The Defendants under color of any law, statute, ordinance, regulation, or custom, willfully subject the Plaintiff and her child in Washington state, to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

75. The Plaintiff has a cause of action for violation of her constitutional federally protected rights in the constitution under the Civil Rights Act, 42 U.S.C. § 1983. The Plaintiff and her child were restrained in her liberty and property interest by the Defendants actions. The Defendants acted under the color of state law to deprive the Plaintiff of her federally protected civil rights. The Defendants can also be found guilty of Title 18, U.S.C., Section 242 - Deprivation of Rights Under Color of Law: This statute makes it a crime for any person acting under color of law, statute, ordinance, regulation, or custom to willfully deprive or cause to be deprived from any person those rights, privileges, or immunities secured or

[13] https://www.justice.gov/crt/deprivation-rights-under-color-law

protected by the Constitution and laws of the U.S.[14] The Plaintiff does know that only the FBI can charge these state officials with these crimes, but the FBI is obsolete and a worthless agency in the United States. They are each still guilty, nonetheless.

X. SIXTH CLAIM FOR RELIEF
18 U.S. CODE § 241[15] - CONSPIRACY AGAINST RIGHTS[16]

76. Plaintiff re-alleges and re-pleads all of the allegations in paragraphs 1–75 of this Complaint and incorporate them by reference.
77. The Defendants perform the public functions of serving as court officials, and serving children who are dependents of the courts of the State of Washington.
78. The Defendants perform these public functions using federal, state, and county funds, also from federal grants.
79. An agreement was made, there was a jointly accepted plan, the Defendants and social workers knew each other, the conspirator knew the plan's essential nature and general scope. The Defendants knew the exact details of the plan or the identity of all the participants in it. One may become a member of a conspiracy without full knowledge of all the details of the conspiracy.
80. The Defendants worked with Child Protective Services together conspired to injure, oppress, threaten, and intimidate the Plaintiff and her minor child in Washington State, in the free exercise and enjoyment of the Plaintiffs parental rights and privileges secured to her by the Constitution and laws of the United States, and because of the Plaintiff having so exercised the same; the Defendants employees and representatives went in disguise on the highway, and on the premises of the Plaintiff, with the intent to prevent and hinder her free exercise or

[14] https://www.fbi.gov/investigate/civil-rights/federal-civil-rights-statutes
[15] Section 241 of Title 18 is the civil rights conspiracy statute. Section 241 makes it unlawful for two or more persons to agree together to injure, threaten, or intimidate a person in any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the Unites States, (or because of his/her having exercised the same). Unlike most conspiracy statutes, Section 241 does not require that one of the conspirators commit an overt act prior to the conspiracy becoming a crime.
[16] This statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States.

enjoyment of her and her child's rights or privileges so secured. These actions were completed lacking any form of probable cause.

81. The Plaintiff has a cause of action under title (18) XXXII, §§ 320103(b) 320201(b), title XXXIII, § 330016(1)(H), deprivation of rights under the color of law. In so that the Defendants worked with the Child Protection Agency by their actions and omissions

82. The Defendants along with social workers engaged in at least one act in furtherance of the conspiracy. All of the Defendants did conspire to deprive the Plaintiff of her civil rights, under Title 18, U.S.C., Section 241 Conspiracy Against Rights.[17]

XI. SEVENTH CLAIM FOR RELIEF- 42 U.S. CODE § 1986 ACTION FOR NEGLECT TO PREVENT[18]

83. Plaintiff re-alleges and re-pleads all of the allegations in paragraphs 1–82 of this Complaint and incorporate them by reference.

84. The Defendants perform the public functions of serving as court officials, and serving children who are dependents of the courts of the State of Washington.

85. The Defendants perform these public functions using federal, state, and county funds, also from federal grants.

86. The Defendants employees, having knowledge that any of the wrongs conspired to be done by Child Protective Services, and mentioned in Section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be

[17] This statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States, (or because of his/her having exercised the same).

[18] Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in Section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as Defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding $5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this Section shall be sustained which is not commenced within one year after the cause of action has accrued.

committed, shall be liable to the Plaintiff for her injuries, and their attorneys fees, for all damages caused by such wrongful act, the wrongful act be an unlawful removal of the Plaintiffs child during emergency order 6 and using forgery, The Defendants and its employees by reasonable diligence could have prevented by not accepting a forged document and filing it as true and correct; damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as Defendants in the action.

XII. INJURIES

87. The Defendants actions account for repeat constitutional civil rights violations and injuries beginning in 2009-2021. The 2020 removal of the Plaintiffs child in and of itself, caused trauma and permanent damage to the Plaintiff also to her child. As a direct and proximate result of the Defendant's civil rights violations, under the Due Process Clause, First, Fourth, Fourteenth Amendments of the US constitution, made by them at all times relevant to this complaint towards the Plaintiff and her children, she was injured emotionally, mentally, financially, & permanently.

88. The Plaintiff has endured and will continue to endure these injuries, which have caused and will continue to cause: past, present and ongoing costs, taking up time in her life, the Defendants acted in support of racial discrimination towards the Plaintiff and the Plaintiff made the Defendants aware of these acts being racial discrimination, the Defendants ignored the Plaintiff these injuries have also caused damage to the Plaintiff mentally resulting in confusion, depression, rejection, mental anguish, severe emotional distress, suicidal ideation, fright, anxiety, sadness, loss of life due to a loss of time wasted trying for no reason, severe trauma, mental health costs, new mental health diagnosis, new medication management, paranoia, heart problems, high blood pressure, guilt, shame, the Defendants assisted social workers who have ignored, belittled, blamed, hated, accused, disrespected, put down, criticized, made fun of, exposed, criminalized, the Plaintiff at all times relevant to this complaint. This is not the first time her rights have been violated by a state agency or an agency contracted with the state.

89. The Plaintiff, MYRIAM ZAYAS must continue therapy for stress induced by these events which were a choice made by the Defendant's, each of them, that went above the bounds of their lawful authority, all Defendant's acted with deliberate indifference and malice.
90. The Plaintiff suffered and continues to suffer from physical pain related to depression, post-traumatic stress disorder, hair loss, weight loss, vision loss, community trust lost, lost birthdays, holidays, broken family bonds with relatives. Past, present, and ongoing legal costs, and attorneys' fees. Lost trust from her neighbors and friends. The Defendant's actions have abridged the Plaintiffs 18 years she has to raise her children without being interrupted for reasons that do not include child abuse.

XIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff MYRIAM ZAYAS does not pray, but does request judgement in her favor:

91. Terminate the Defendants, each of them from their official position. The public is at risk, their children are at risk of being unlawfully separated, and ultimately abused, because of their guilt from felonies committed by them.
92. Create a remedy for the Plaintiff where her child's father is not REQUIRED to be named, nor does the Plaintiff need to give a reason why he should not be named it is none of the states business. The Plaintiff pays child support to her childs foster home, and has since day one of removal amounting to $150 weekly so she is paying full support for her child and does not need to name any other parent for any other reason if she does not want to. Nor can they default any such order to anyone, hide it from her and hope she never finds it while they actively violate her and her childs civil rights. The Plaintiff is the only parent. No court can invent another parent over the Plaintiff.

CERTIFICATION AND CLOSING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best. of my knowledge, information, and belief that this complaint: (1) is not being. presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically, so identified, will likely have evidentiary support after a reasonable opportunity for further. investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

Respectfully submitted,

Dated: 06.24.21

Name: Myriam Zayas

Title: Pro Se Plaintiff

CERTIFICATE OF SERVICE

I, MYRIAM ZAYAS, do hereby certify that I have this day mailed, U.S. Mail Certified, postage prepaid, a true and correct copy of the above and foregoing to at the following address also send an email to the email listed:

THIS the 16th day of June 2021.

Sign: Myriam Zayas

JS 44 (Rev. 04/21)

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(b) County of Residence of First Listed Plaintiff KING
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
SELF

DEFENDANTS

LINDA NGUYEN

County of Residence of First Listed Defendant KING
(IN U.S. PLAINTIFF CASES ONLY)

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Attorneys *(If Known)*

FILED
LODGED
RECEIVED
MAIL
JUN 28 2021
AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

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Brief description of cause:
CLERK FILED FORGERY TO THE DOCKET AGAINST A 5 YEAR OLD CHILD

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☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND $ NO CASH DAMAGES

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

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JUDGE JUDGE COUGHENOUR DOCKET NUMBER 20-CV-00747 JCC

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JS 44 (Rev. 04/21)

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SELF

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RAMONA HARKINS

County of Residence of First Listed Defendant KING
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(c) Attorneys *(Firm Name, Address, and Telephone Number)*

SELF

DEFENDANTS

TARA SHOEMAKER

County of Residence of First Listed Defendant KING
(IN U.S. PLAINTIFF CASES ONLY)

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- ☐ 950 Constitutionality of State Statutes

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

CIVIL RIGHTS
- ☒ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District *(specify)* ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
SECTION 1983 VIOLATION OF 14TH AMENDMENT- EQUAL PROTECTION CLAUSE

Brief description of cause:
CLERK FILED FORGERY TO THE DOCKET AGAINST A 5 YEAR OLD CHILD

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND $ NO CASH DAMAGES

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE JUDGE COUGHENOUR DOCKET NUMBER 20-CV-00747 JCC

DATE 06.24.21

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

JS 44 (Rev. 04/21)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

MYRIAM ZAYAS

(b) County of Residence of First Listed Plaintiff KING
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
SELF

DEFENDANTS

BREN SMITH

County of Residence of First Listed Defendant KING
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- [ ] 1 U.S. Government Plaintiff
- [x] 3 Federal Question *(U.S. Government Not a Party)*
- [ ] 2 U.S. Government Defendant
- [ ] 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	[x] 1	[x] 1	Incorporated *or* Principal Place of Business In This State	[ ] 4	[ ] 4
Citizen of Another State	[ ] 2	[ ] 2	Incorporated *and* Principal Place of Business In Another State	[ ] 5	[ ] 5
Citizen or Subject of a Foreign Country	[ ] 3	[ ] 3	Foreign Nation	[ ] 6	[ ] 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- [ ] 110 Insurance
- [ ] 120 Marine
- [ ] 130 Miller Act
- [ ] 140 Negotiable Instrument
- [ ] 150 Recovery of Overpayment & Enforcement of Judgment
- [ ] 151 Medicare Act
- [ ] 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- [ ] 153 Recovery of Overpayment of Veteran's Benefits
- [ ] 160 Stockholders' Suits
- [ ] 190 Other Contract
- [ ] 195 Contract Product Liability
- [ ] 196 Franchise

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- [ ] 210 Land Condemnation
- [ ] 220 Foreclosure
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TORTS

PERSONAL INJURY
- [ ] 310 Airplane
- [ ] 315 Airplane Product Liability
- [ ] 320 Assault, Libel & Slander
- [ ] 330 Federal Employers' Liability
- [ ] 340 Marine
- [ ] 345 Marine Product Liability
- [ ] 350 Motor Vehicle
- [ ] 355 Motor Vehicle Product Liability
- [ ] 360 Other Personal Injury
- [ ] 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- [ ] 365 Personal Injury - Product Liability
- [ ] 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- [ ] 368 Asbestos Personal Injury Product Liability

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- [ ] 370 Other Fraud
- [ ] 371 Truth in Lending
- [ ] 380 Other Personal Property Damage
- [ ] 385 Property Damage Product Liability

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- [ ] 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- [ ] 625 Drug Related Seizure of Property 21 USC 881
- [ ] 690 Other

LABOR
- [ ] 710 Fair Labor Standards Act
- [ ] 720 Labor/Management Relations
- [ ] 740 Railway Labor Act
- [ ] 751 Family and Medical Leave Act
- [ ] 790 Other Labor Litigation
- [ ] 791 Employee Retirement Income Security Act

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MYRIAM ZAYAS
27369 129TH PL SE
KENT WA 98030-8930

Expected Delivery Date: 06/25/21

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21-CV-0746 SECOND AMENDED COMPLAINT
700 STEWART ST
SEATTLE WA 98101-4439

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JUN 28 2021

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

Case 2:21-cv-00746-JCC Document 7 Filed 06/28/21 Page 27 of 27